IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 16953 of 2007(R)

PETITIONER:

N.DEVADAS, S/O. MAYAN,
CHIRAKAD HOUSE, ALATHUR, PALAKKAD.

BY ADV. SRI.M.C.JOHN

RESPONDENTS:
---

1. THE SUB-INSPECTOR OF POLICE,
VADAKKENCHERRY POLICE STATION, PALAKKAD.

2. THE CIRCLE INSPECTOR OF POLICE,
VADAKKENCHERRY.

3. THE ASSISTANT EXCISE COMMISSIONER,
PALAKKAD.

4. THE DISTRICT COLLECTOR, PALAKKAD.

5. SUDEVAN, S/O. KUTTAN,
THALIKODE HOUSE, PUDUKODE P.O.

6. MOHANAN, S/O. MANI,
KALATHIL VEEDU, THALIKODE, PUDUKODE P.O.

7. LATHA, D/O. PAZHANIMALA, THALIKODE,
PUDUKODE P.O.

GOVT. PLEADER SRI.K.C.SANTOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO.16953 OF 2007

APPENDIX

EXHIBIT P1: COPY OF RELEVANT PAGES OF LICENCE NO.681/2007-08 DATED 24.5.2007 ISSUED BY THE THIRD RESPONDENT.

EXHIBIT P2: COPY OF COMPLAINT DATED 31.5.2007 SUBMITTED TO THE IST RESPONDENT.

EXHIBIT P3: COPY OF RECEIPT DATED 31.5.2007.

EXHIBIT P4: COPY OF ORDER DATED 11.5.2007 IN WP(C).NO.14357/2007.

/TRUE COPY/

PS TO JUDGE

P.R. RAMAN & K. HEMA, JJ.

W.P.(C).No. 16953 of 2007

Dated this the 7th day of June, 2007.

JUDGMENT

Raman, J.

According to petitioner, he is a toddy shop vendor. He obtained privilege to vend toddy as per Ext.P1 licence issued. But respondents 5 to 7 are physically obstructing to the work and inspite of complaints no action is taken by the authorities. Hence, he approached this Court.

2. Notice was issued by special messenger, but none have chosen to appear controverting the averments made. The Government Pleader, on instructions, submitted that petitioner is a duly licensed toddy shop vendor.

3. So long as the licence is in force and there is no prohibitory orders issued by any of the statutory authorities, petitioner is entitled to run the shop without being obstructed by respondents 5 to 7 or their members. If respondents 5 to 7 have any legal protest in the matter of running toddy shop, it is open to them to approach the statutory authority concerned by filing a representation, in which event the same shall be disposed of by them. In the circumstances and subject to what is stated above, there will be a direction to the Sub Inspector of Police, Wadakkanchery to afford necessary protection to the petitioner to carry on business in the licensed premises as per Ext.P1 licence.

With the above direction, the writ petition is disposed of.

Sd/-

P.R.RAMAN, JUDGE.

Sd/-

Krs. **K. HEMA, JUDGE.**

Krs.